



Create a Mental Illness Exemption to the Death Penalty

The National Alliance for Mental Illness and Texas Defender Service are working with a coalition of mental health, criminal justice and faith communities who believe that individuals with severe mental illness should be barred from execution.

This exemption for individuals with severe mental illness will:

- **Apply on a case-by-case basis** –panel of citizens will consider all of the evidence to determine whether a person has a severe mental illness with active symptoms at the time of the crime.
- **Require proof** - Under current law, a person with a severe mental illness is eligible for the death penalty. This proposal would add an exemption only for a person who can prove he or she had a qualifying medical diagnosis or documented symptoms of a severe mental illness before he or she committed the crime.
- **Apply only to a narrow set of illnesses** – this exemption would apply only to individuals with a medical diagnosis such as schizophrenia, schizoaffective disorder, or bipolar disorder.
- **Allow our government to hold individuals accountable for their crimes.** Defendants who qualify for the exemption are subject to criminal prosecution, and will serve terms of life without parole if convicted.

FACTS:

- **Severe mental illness can significantly impairs one’s ability to make decisions control his or her impulses and understand the consequences of his or her actions.** It can also mean that his or her judgment, impulse control, and decision-making skills are significantly compromised.
- **An illness is not a choice. The diagnosis process for severe mental illness is lengthy, detailed and accurate.** It is extremely difficult for someone to fake an illness that is severe. Mental health experts have estimated that only 5% to 15% of death row inmates have a qualifying severe mental illness.
- **This exemption would treat individuals with a severe mental illness similarly to other vulnerable groups.** The law currently forbids the death penalty for persons with intellectual disabilities and juveniles, because medical research shows that they don’t have the same mental capacity as fully functioning adults, but severely mentally ill people can still be executed. People with severe mental illnesses should be treated the same way as the other vulnerable groups.
- **Executing individuals with a severe mental illness carries a higher risk of executing an innocent person.** Individuals with a mental health condition are more vulnerable to police pressure, have an impaired ability to participate in their defense, are poor witnesses due to their diminished perception of reality and thus are more susceptible to be wrongfully accused and convicted of a crime.
- **Finally, this exemption will save Texas taxpayer money.** This exemption will prevent and eliminate expensive court proceedings that are specific to death penalty cases such as a second penalty phase of the trial, and decades of appeals regarding the defendant’s competence for execution. Also, defendants serving a life sentence are imprisoned in the general population, which is significantly less expensive than the conditions on death row—which require that the inmate is segregated from other prisoners.